

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

RICHARD DENVER HINMAN,

Plaintiff,

v.

THE ATTORNEY GENERAL, GREG
GIANFORTE,

Defendants.

CV-23-87-BU-BMM

ORDER

INTRODUCTION

Plaintiff Richard Denver Hinman (“Hinman”), proceeding pro se, filed this action on November 27, 2023. (Doc. 2.) Hinman broadly seeks damages from the Attorney General of the State of Montana and Montana Governor Greg Gianforte. (*Id.* at 4.) Hinman presents this case as a federal question suit, but he provides no statutory cause of action to support his claim. (*See id.*)

Hinman alleges that his freedom was stolen, and that his due process rights were violated, when he was arrested and pleaded guilty to failing to register in

violation of Mont. Code Ann. §§ 46-23-504(1) and 46-23-507 in 2019. (Doc. 2-1 at 1-16.) The Montana state district court sentenced Hinman to four years incarceration, with all four years suspended. (*Id.* at 18.) Hinman also received credit for 140 days of time served. (*Id.*) The Montana Supreme Court reversed Hinman's conviction for failing to register in the case *State of Montana v. Richard D. Hinman*, 530 P.3d 1271 (Mont. 2023). (*Id.* at 20-68.) The Montana Supreme Court dismissed Hinman's failure to register charge because it determined that Montana's Sexual or Violent Offender Act's ("SVORA") retroactive application to Hinman violated the *ex post facto* cause of Article II, Section 31 of the Montana Constitution. (*Id.* at 35.)

The Court determines that Hinman has failed to state a claim for which his requested relief of damages may be granted. The Court will dismiss Hinman's claims without prejudice, however, to allow for Hinman to pursue these claims should there exist an appropriate cause of action stemming from his 2019 conviction.

ORDER

Accordingly, **IT IS ORDERED:**

1. Hinman's complaint is **DISMISSED without prejudice**.
2. The Clerk shall enter judgment in favor of the Defendants.
3. The Clerk shall return Hinman's money order.
4. The Clerk is then instructed to close this case.

DATED this 2nd day of January, 2024.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court